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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/811,236 | 03/26/2004 | Nagarajan Vedaraman | U 015106-3 | 9026 |
| 140 | 7590 | 10/16/2007 | | |
| LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023 | | | EXAMINER KHAN, AMINA S | |
| | | | ART UNIT 1796 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,236

Applicant(s)

VEDARAMAN ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on August 8, 2007.
2. Claims 1-15 are pending.
3. All prior rejections are maintained.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in India on August 14, 2003. It is noted, however, that applicant has not filed a certified copy of the India 1000/DEL/2003 application as required by 35 U.S.C. 119(b).

Response to Arguments

5. Applicant's arguments filed August 8, 2007 have been fully considered but they are not persuasive. The 35 USC 103 rejections of claims 1-4,6-8,9-12,14 and 15 over Rodriguez et al. (US 3,254,938) and claims 5 and 13 over Rodriguez in view of Panepinto (US 2,937,068) are maintained.
6. The applicant argues:

7. " Rodriguez et al. (US Patent 3,254,938) disclose a method of leather processing whereby raw hides/skins are subjected to alkali treatment in presence of salt. The role of the salt here is to ensure that the unwanted swelling, likely to be caused due to the alkaline action, is controlled. The salt present in the processing liquor of Rodriguez et al. represses swelling of the hide/skin to be processed.

On the contrary, the process of the present invention is not intended to repress swelling of the hides/skins. It is a common knowledge in the modern leather trade that high salinity in the water to be used for leather processing jeopardizes the leather quality by repressing the swelling excessively. The unique feature of the present invention is that it provides the novel option to use sea water for leather processing to produce quality leather. The available prior art does not teach this and does not provide this result."

8. " Raw hides and skin mentioned in present invention indicate wet salted hides and skins, conventional Indian raw material, which consists at least 20% salt (W/W). Whereas Villa Rodriguez Pedro; et al., indicates a process of using salt for soaking dried skins free of any salt (which is done normally to remove interfibrillary proteins). The total salt content for soaking in Villa Rodriguez Pedro; et al., case is only 3% (30, 000 ppm) whereas the present invention deals with soaking hides and skins containing not less than 15% salt (W/W) in saline water having up to 30, 000 ppm of chlorides making total chlorides content to as high as 95, 000 ppm. Further taking in to consideration the composition of a dried skin, the protein content will be 75-

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80% with about 20-25% moisture. Hence typically for 100 kilos of dried skin the protein:salt ratio employed is about 80:3 (since 3% salt is added in soaking). For 100 kg of protein nearly 3.7 kilo salt is used. However in the present invention the protein content will be ~37% (Villa Rodriguez Pedro; et al., Col. 1, lines 35-41) and salt content -14%. This material containing protein:salt ratio of 37:14 is treated with saline water containing -3% salt i.e., total salinity being 14% from hide, 3% from water, making it 17%. So the protein:salt ratio employed in the present study is 37:17 i.e., for 100 kilos of protein nearly 46 kilos of salt is employed.

Further, it is stated that the cured hide/skin normally contains not less than 15% of salt on the hide/skin weight. The reference cited (page no. 172, Fundamentals of leather manufacture, Heideman) indicates presence of at least 12% salt on moisture free basis, which would indicate presence of at least 36% salt on as such basis (3 times more). Further Rodriguez himself has indicated presence of 14.4% salt as given in Example 1 (column 6, lines 58-62). Hence it is reiterated the salinity levels would reach as high as 95,000 ppm when salted hides and skins are treated with water with salinity levels of 30,000 ppm."

9. "With reference to the Examiner's 4th comment on page 4 of the action, it is brought to the Examiner's attention that sodium hydroxide used is for hair removal and for opening up of the fiber structure. The calcium hydroxide is used to overcome the suppressive action of chlorides due to high salinity."

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10. Regarding arguments 7 and 8, the examiner respectfully disagrees with the applicant. Rodriguez et al. clearly teach treating similar hides with similar salt concentrations in similar methods, which would be expected to produce similar swelling of the treated hide. Specifically, Rodriguez et al. (example XIV, column 10) clearly discloses a pretreatment step of treating 100 kg of dry sheep/goat skins with 400 kg of a 3% salt solution for 48 hours followed by treatment with 200% of an 8% NaCl solution and 1-2% sodium hydroxide for 5-8 hours. While Rodriguez is silent as to the components of the 3% salt solution, Rodriguez teaches that the pretreatment bath may consist of sodium hydroxide and sodium chloride alone (column 6, lines 13-16) and that the sodium chloride should be at least 0.25% with no upper limit (column 4, lines 10-20) with a treatment time of 2 to 48 hours. It would be obvious to one of ordinary skill in the art to use 11000 to 30000 ppm chlorides and at least 0.04% sodium hydroxide because Rodriguez teaches pre-treatment baths with both components, and the percentages would just require optimization, which only requires routine skill in the art. Furthermore, Rodriguez et al. clearly teach that the treatments may be conducted on a previously salted hide (column 3, line 63) and it would be obvious that the previously salted hide may be treated by the salting conditions of Rodriguez.

Regarding the order of the soaking and fleshing steps. Rodriguez fleshes the skins after the first pretreatment step and before the second pre-treatment step. However, the courts have found that changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959). Applicant has not provided evidence in declaration form that the

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instant order of steps provides unexpected results. Applicants' arguments are conclusory statements not supported by factual evidence, see *In re Lindner*, 457 F.2d 506, 173 USPQ 356 (CCPA 1972).

11. Regarding argument 8, the examiner respectfully disagrees. Rodriguez et al. clearly teach that their treatments may be conducted on a previously salted hides (column 3, line 63). It would be obvious to substitute salted hides into the methods of example XIV because Rodriguez teaches the equivalence of treating dried and salted hides (column 3, lines 60-70). The applicant's do not provide in their claims the limitations of "conventional Indian raw material, which consists at least 20% salt (w/w)" and "not less than 15% salt (w/w) in saline water having up to 30, 000 ppm of chlorides making total chlorides content to as high as 95,000 ppm" so the arguments are moot. Applicants' arguments are conclusory statements not supported by factual evidence, see *In re Lindner*, 457 F.2d 506, 173 USPQ 356 (CCPA 1972).

12. Regarding argument 9, It would be obvious to one of ordinary skill in the art to substitute other salts such as calcium hydroxide for sodium hydroxide because they are well known in the art to be used for unhairing as taught by Panepinto as is the function of the sodium hydroxide as acknowledged by the applicant.

Conclusion

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13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

AK
October 12, 2007

Lorna M. Douyon

LORNA M. DOUYON
PRIMARY EXAMINER